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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,827	02/27/2002	Eric C. Veine	LEAR 0844 PUS	6199

34007 7590 03/18/2003

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SOUTHFIELD, MI 48075

EXAMINER

BURNHAM, SARAH C

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 03/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/083,827

Applicant(s)

VEINE ET AL.

Examiner

Sarah C. Burnham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8 and 10-12 is/are rejected.
- 7) ☒ Claim(s) 7 and 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information referred to in the information disclosure statements filed on 27 February 2002 has been considered as to the merits.

### ***Specification***

2. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6, 8 and 10-12 are rejected as best understood with the above cited indefiniteness under 35 U.S.C. 102(b) as being anticipated by Dal Monte (5,664,841). Dal Monte discloses a headrest (6) for a motor vehicle seat (1) having a backrest frame (3) and a backrest frame (4). Headrest (6) comprises a base portion (13)(35) and an

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occupant-engaging contact portion (un-illustrated). Occupant-engaging contact portion consists of headrest padding “made in any known way of foamed plastic material, the associated cover of textile material or the like, and is to be anchored” (column 4, lines 29-31) to articulated spread lever arrangement (7)(14). Articulated spread lever arrangement (7)(14) includes two first links (8) and two second links (15). Rotation of first links (8) about pivot axis (20) causes second links (15) to slide along track (19) integrally formed in base portion (13)(35). This sliding movement of second links (15) in track (19) causes occupant-engaging contact portion (un-illustrated) to translate with respect to base portion (13)(35). Tension spring (22)(25) extends between base portion (13)(35) and spread lever arrangement (7)(14) that is fixed to occupant-engaging contact portion (un-illustrated). Tension spring (22)(25) pulls articulated spread lever arrangement (7)(14) toward base portion (13)(35).

An actuator (42) is used to tension Bowden cable (39), which in turn rotates first links (8) with respect to second links (15). A first “free end of cable (39) is anchored to cross bar (10)” (column 5, line 61), which is connected to first links (8). A second end of cable (39) is fixed to backrest frame (4).

The action of flexible member (26) holds articulated spread lever arrangement (7)(14) in its maximally deployed position away from base portion (13)(35). The arrangement (7)(14) includes an over center condition in that when tension is completely released from Bowden cables (39) and (32), headrest (6) automatically moves to a maximally deployed condition under the controlled action of flexible member (26). By tensioning Bowden cables (39) and (32), headrest (6) overcomes the over-

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center condition and moves to a position in which base (13)(35) and occupant-engaging contact portion (un-illustrated) are located with a minimal distance between them.

### ***Allowable Subject Matter***

5. Claims 7 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to translatable headrests in general:

- Suman (4,778,218)
- Wieclawski (6,273,511)
- Tateyama (4,733,913)
- Svantesson et al. (2002/0043858)
- De Filippo (6,270,161)

The following patents are cited to further show the state of the art with respect to translatable headrests with over center conditions:

- Kapanka (4,113,310)

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- Gilson et al. (6,129,421)
- Rasmussen (3,885,831)

The following patents are cited to further show the state of the art with respect to Bowden cables:


- Okada (6,265,967)
- Specht (6,364,414)

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah C. Burnham whose telephone number is 703-305-7315. The examiner can normally be reached on M-Th 7:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 703-308-0827. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1020.

SCB  
March 10, 2003

  
Peter M. Cuomo  
Supervisory Patent Examiner  
Technology Center 3600